

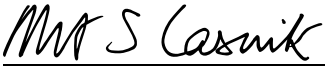
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD C. FLORY,)	
)	
Petitioner,)	CASE NO. C04-2155-RSL
)	
v.)	ORDER
)	
GARY FLEMING,)	
)	
Respondent.)	
_____)	

The Court, having reviewed the Petition for Writ of Habeas Corpus, Respondent's Motion to Dismiss, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, finds and Orders as follows:

- (1) The Court adopts the Report and Recommendation;
- (2) Respondent's motion to dismiss (Dkt. #15) is GRANTED, the Petition for Writ Habeas Corpus (Dkt. #1) is DENIED, and this matter is DISMISSED with prejudice;
- (3) The Clerk is directed to send copies of this Order to counsel for each party, and to the Honorable Monica J. Benton.

DATED this 20th day of September, 2005.


Robert S. Lasnik
United States District Judge

ORDER